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No. 08-62

Supreme Court, U.S.
FILED
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IN THE
Supreme Court of the United States

RAYMOND CHARLES PERSIK
Petitioner

v.

TUCCI LEARNING SOLUTIONS, INC.,
and

HEA-JUNG ATKINS, LOCAL DIRECTOR, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, SAN JOSE LOCAL OFFICE - 556
Respondent(s)

On Petition For Writ of Certiorari
To The U.S. Court of Appeals for the 9th Circuit

PETITION FOR REHEARING

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QUESTIONS FOR THE U.S. SUPREME COURT

1. Is the September 24, 2008 discovery of Department of Defense Directive Number 2310.2, dated December 22, 2000, Subject: Personnel Recovery, enough to influence this Honorable Court, of the need to grant review in this Case, and subsequently remand this Case to the 9th Circuit with instructions to further remand it to the U.S. District Court for the Northern District of California – San Jose Branch?

2. Based on the evidence provided to this Court, in the argument to question number one, *supra*, which involves a compelling, nearly "perfect match" to the petitioner's previously proposed theories and assertions, will this Court now consider, in accordance with the petitioner's interpretation of established U.S. Supreme Court case law, the questions presented for review, in all previously filed petitions, which include petitions of certiorari, and petitions for rehearing, in *Persik v. Group Health Cooperative, et. al.* (2007-2008), *Persik v. Suthers, et al.*, (2006-2007), *Persik v. Manpower, Inc.* (2004), *Persik v. Colorado State University* (2004) and *Persik v. Colorado* (2002-2003) *(cites omitted)*?

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Part I. Is the September 24, 2008 discovery of Department of Defense Directive Number 2310.2, dated December 22, 2000, Subject: Personnel Recovery, enough to influence this Honorable Court, of the need to grant review in this Case, and subsequently remand this Case to the 9th Circuit with instructions to further remand it to the U.S. District Court for the Northern District of California – San Jose Branch? 1

Part II. Based on the evidence provided to this Court, in the argument to question number one, *supra*, which involves a compelling, nearly "perfect match" to the petitioner's previously proposed theories and assertions, will this Court now consider, in accordance with the petitioner's interpretation of established U.S. Supreme Court case law, the questions presented for review, in all

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ARGUMENT

Part I. Is the September 24, 2008 discovery of Department of Defense Directive Number 2310.2, dated December 22, 2000, Subject: Personnel Recovery, enough to influence this Honorable Court, of the need to grant review in this Case, and subsequently remand this Case to the 9th Circuit with instructions to further remand it to the U.S. District Court for the Northern District of California – San Jose Branch?

1. On September 24, 2008, while performing a home station annual training, at Moffett Federal Air Field in Mountain View, California, Mr. Persik, [Persik], downloaded a copy of "Department of Defense Directive Number 2310.2 dated December 22, 2000".

2. The date of this document is critical if Mr. Persik's theory pertaining to the possibility of a government sponsored equal employment opportunity project is correct. President George Bush's former United States Attorney General, Mr. John Ashcroft, was nominated on 22 December 2000. Mr. Persik served in the Missouri Army National Guard while Mr. John Ashcroft was a U.S. Senator. In *Persik v. Colorado State University*, 542 U.S. 916 (#03-1278, 541 U.S. 990, 2004), and *Persik v. Manpower, Inc.*, 542 U.S. 960 (#03-1473, 541 U.S. 1086, 2004), Mr. Persik identified an accident, taking place on 22 December 2000, while en route to

employment with Manpower, Inc, at Land of Lakes, in Mt. Holly, Pennsylvania, as appearing to be an intentional hit and run where [Persik] was allegedly intentionally victimized to prevent a timely filing of Equal Employment Opportunity Commission Charges against Colorado State University, Adecco and Manpower, Inc. Again, Mr. Persik alleged, and the EEOC filed charges in accordance with these allegations, that Colorado State University, Adecco and Manpower, Inc, discriminated against Mr. Persik on the same grounds as Tucci Learning Solutions, Inc; these grounds are both gender and a religious, pro life view. It is Mr. Persik's sincere hope that someone within the Missouri Army National Guard possibly knew the "pro life" Mr. John Ashcroft, the "pro life" Mr. Persik and someone within the DoD staff associated with Department of Defense Directive 2310.1.

3. Mr. Persik will cite several paragraphs of this DoD directive in an effort to clarify [his] stated belief.

a. Policy: "It is DoD policy that:
4.1. Preserving the lives and well-being of U.S. military, DoD civilian and contract service employees placed in danger of being isolated, beleaguered, detained, captured or having to evade while participating in a U.S.-sponsored activity or mission is one of the highest priorities of the Department of Defense. The Department of Defense has a moral obligation to protect its personnel, prevent exploitation of its personnel by adversaries, and reduce the potential for captured personnel being used as leverage against the United States."

b. In accordance with "5.2.3. the Under Secretary of Defense shall Coordinate with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SOLIC)) on special operations activities for personnel recovery." In *Persik v. Suthers, Colorado Attorney General, et. al.*, 549 U.S. ___ (# 06-471, 549 U.S. ___ , 2007), Mr. [Persik] described adversarial actions, from 1999-2006, as potentially originating from a small group of resistance supporters opposing [Persik]'s pro life fight. Furthermore, Mr. Persik entered the special operations community at the same time the EEOC San Jose sub office was reviewing the actions against Tucci Learning Solutions, Inc., [TLS]. Additionally, the DoD has an office directly down the hall from the clerk of the court of the U.S. District Court for the Northern District of California in San Jose, California. It is Mr. [Persik]'s sincere hope that this action was to clearly identify the allegations of adversarily actions against Mr. [Persik], and perhaps, the pro life community. Mr. [Persik] further notes that [his] new residence in California, was allegedly vandalized by an unknown adversary breaking the water line coming into Mr. [Persik]'s, and [his] wife's, home on the evening of October 26, 2008 prior to Mr. [Persik] returning from duty at Moffett Federal Air Field in Mountain View, CA.

c. "APPLICABILITY. This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the

Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components")."

d. "DEFINITIONS: Terms used in this Directive are defined in reference (c), except as noted below:

(1) 3.1. Personnel Recovery. The aggregation of military, civil, and political efforts to recover captured, detained, evading, isolated or missing personnel from uncertain or hostile environments and denied areas. Personnel recovery may occur through military action, action by non-governmental organizations, other U.S. Government-approved action, and diplomatic initiatives, or through any combination of these options. Although personnel recovery may occur during noncombatant evacuation operations (NEO), NEO is not a subset of personnel recovery.

(2) 3.2. Non-conventional Assisted Recovery (NAR). All forms of personnel recovery conducted by an entity, group of entities, or organizations that are trained and directed to contact, authenticate, support, move, and exfiltrate U.S. military and other designated personnel from enemy-held or hostile areas to friendly control through established infrastructure or procedures. NAR includes unconventional assisted recovery conducted by Special Operations Forces (SOF)." Again, Mr. [Persik] was still a member of this SOF community, and [he] prays that the government of this great nation decides to take this Country in an unparalled

direction by supporting life from conception, equal employment opportunity for all and a much better anti-domestic violence awareness program."

Part II. Based on the evidence provided to this Court, in the argument to question number one, *supra*, which involves a compelling, nearly "perfect match" to the petitioner's previously proposed theories and assertions, will this Court now consider, in accordance with the petitioner's interpretation of established U.S. Supreme Court case law, the questions presented for review, in all previously filed petitions, which include petitions of certiorari, and petitions for rehearing, in *Persik v. Group Health Cooperative, et. al.* (2007-2008), *Persik v. Suthers, et al.*, (2006-2007), *Persik v. Manpower, Inc.* (2004), *Persik v. Colorado State University* (2004) and *Persik v. Colorado* (2002-2003) (cites omitted)?

1. The discovery, of the evidence described in Part 1, suggests that someone within the conservative party, the Republican Party, knew Mr. Persik was the target of discrimination by personnel, or "adversaries", within the Colorado State University system. Specifically, Mr. [Persik] alleged, and [he] continues to allege, that these adversarial actions took place for the benefit of personnel affiliated with both conservative and liberal supporters of gay marriage, which may have included personnel affiliated with [Persik]'s former friend, a Russian scientist and military officer, at the University of Nebraska Lincoln, 1996. Mr. Antonkin's family

allegedly knew President James E. Carter personally.

2. Mr. Persik again cites, as previously cited, from 2A Fed. Proc § 3:410, " If Certiorari is denied earlier in a litigation and a subsequent petition for certiorari is later granted, ..., may consider questions raised by both petitions", *Chessman v. Teets*, 354 US 156 (1957), *Mercer v. Theriot*, 377 US 152 (1964). These cases have their roots in the same alleged initiation of wrong doings which was the loss of Angel Persik, on September 27, 1994 and the subsequent SEVERE exploitation of the petitioner beginning on January 28, 1999 with an alleged illegal arrest.

3. Mr. [Persik] continues to find applicable excerpts from several action, television dramas, such as: MacGyver, ABC-TV (1985-1992), JAG, CBS Broadcasting, Inc. (1995-2005) and Walker, Texas Ranger, CBS Broadcasting, Inc. (1993-2001), which [he] claims could be cited in accordance with Motion Pictures as Evidence, 8 Am Jur Proof of Facts (POF), p 153 (1960) which discusses the "(1) foundation for admission of motion pictures, and (2) motion pictures of experiments. And again, [Persik] utilizes additional peaceful ammunition by citing the ABC television show "MacGyver", Season 3, Disk 4, Paramont, A Viacom Company, 1987-1988. In the episode "The Spoilers", Peter Thorton and MacGyver, help stop a plot to dump hazardous waste. Here, Mr. Persik alleges, the "hazardous waste" attempting to be dumped is the denial of legal action from 1999-2008 which all serves to protect human life and secure better case law for Equal Employment and

domestic violence issues. Mr. [Persik] remains extremely concerned over the apparent support, by an adversarial military officer, of a political candidate who supports the finding of this Court in *Roe v. Wade*, 410 U.S. 113 (1973). It is Mr. Persik's perception that this individual, and another apparent adversarial officer from Ft. Collins, Colorado, are attempting to utilize a false medical diagnosis to further deny Mr. [Persik] [his] constitutional rights within the United States of America.

4. Mr. [Persik] therefore respectively requests this Court grant any questions this Court sees fit from *Persik v. The People of Colorado*, 538 U.S. 995 (#02-875, 537 U.S. 1190, 2002), *Persik v. Colorado State University, supra, Persik v. Manpower, Inc., supra, Persik v. Suthers, et al., supra* and *Persik v. Group Health Cooperative, Inc, et al.*, 554 U.S. ____ (#07-1113, 553 U.S. ____ 2008).

CONCLUSION

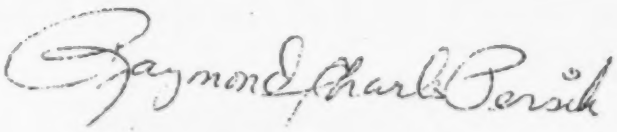
The petitioner prays that this honorable Court grants this Petition, and subsequently remands this Case to the 9th Court of Appeals with orders to further remand this case to the U.S. District Court for the Northern District of California, for the case to proceed with the primary goal of providing a myriad of opportunities to further Equal Employment Opportunity Case law in the United States of America. Mr. [Persik] maintains that the discovery of the cited DoD Directive, presents a compelling argument that either a single person, or a group of

individuals, did not want any of the legal cases to proceed to trial, and they allegedly used guerilla type tactics to avoid the initial two EEOC complaints from being timely acted upon on January 9, 2001 as originally scheduled by an EEOC officer in Denver, Colorado.

Furthermore, Mr. [Persik] prays this Court will consider questions presented in the 10 previously filed petitions, from 5, allegedly linked, U.S. Supreme Court cases.

WHEREFORE THE REASONS PRESENTED IN THIS PETITION, the Petitioner prays this Honorable Court will GRANT both this Petition for Rehearing and review previously filed petitions pertaining to the alleged wrongful use of the procedure of abortion.

Respectfully submitted this 18th day of November 2008.



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CERTIFICATE PURSUANT TO

SUPREME COURT RULE 44.2

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Raymond Charles Persik

Raymond Charles Persik
Petitioner/Affiant

State of California
County of Contra Costa

On November 18, 2008 before me, LORI CONNESS-MAXWELL, A Notary Public, personally appeared Raymond Charles Persik.

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lori Conness-Maxwell

LORI CONNESS-MAXWELL
Commission # 1616282
Notary Public - California
Contra Costa County
My Comm. Expires Oct 27, 2009